

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 WILLIAM TERRELL, Guardian Ad
5 Litem for QUENTIN SLAGOWSKI, a
6 minor; ANIKA SLAGOWSKI, a minor;
and ROWAN SLAGOWSKI,

7 Plaintiffs,

8 v.

9 CENTRAL WASHINGTON ASPHALT, INC.;
10 DONALD HANNON; JAMES WENTLAND;
and JERRY GOLDSMITH,

11 Defendants.

12 AND ALL RELATED MATTERS.
13

Case No. 2:11-cv-00142-APG-VCF

**ORDER GRANTING MOTION TO
STRIKE JOINDERS**

(DKT. #474)

14 Defendants/third party plaintiffs Central Washington Asphalt, Inc., Donald Hannon,
15 James Wentland, and Jerry Goldsmith ("CW defendants") move to strike three joinders (Dkt.
16 Nos. 461, 462, and 463) filed by plaintiff/third party defendant Mitchell Zemke in which Zemke
17 seeks to join in three of his own oppositions to the CW defendants' motions for summary
18 judgment. The CW defendants argue that in the joinders, Zemke improperly added substantive
19 arguments beyond what was in the oppositions, violated the page limits to oppose summary
20 judgment motions, and sought summary judgment beyond the dispositive motion deadline.

21 Zemke responds that he is both a plaintiff and a third party defendant in this litigation. He
22 thus contends he may file oppositions based on each of those roles. He argues he filed the
23 joinders within the time to respond to the summary judgment motions so I should consider them
24 as timely filed oppositions.

25 Zemke cites no authority for the proposition that given his dual roles in the litigation, in
26 which he is represented by different counsel, he may file separate oppositions without leave of the
27 court to exceed the page limits. By not coordinating among counsel, Zemke filed nearly 50 extra
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1 pages in response to the CW defendants' motions. *See* LR 7-4 (limiting opposition briefs to 30
2 pages). He also sought summary judgment beyond the dispositive motion deadline in one of the
3 joinders. (*See* Dkt. #461.)

4 IT IS THEREFORE ORDERED that the CW defendants' motion to strike (**Dkt. #474**) is
5 **GRANTED** and I will not consider the joinders when ruling on the CW defendants' summary
6 judgment motions. I will not strike the documents from the record, however, so that the record is
7 preserved in the event of an appeal.

8 DATED this 4th day of March, 2016.

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11 ANDREW P. GORDON
12 UNITED STATES DISTRICT JUDGE
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